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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/072,037

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Bryan Kocol

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP

530 B STREET

SUITE 2100

SAN DIEGO, CA 92101

EXAMINER

BASEHOAR, ADAM L

ART UNIT

PAPER NUMBER

2178

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/072,037	<b>Applicant(s)</b> KOCOL, BRYAN	
	<b>Examiner</b> ADAM L. BASEHOAR	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49-57 is/are allowed.
- 6) ☒ Claim(s) 40-42, 44-48 and 58 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 05/01/08.
2. Claims 49-58 have been added as necessitated by Amendment.
3. Claims 40-58 are pending in the case. Claims 40, 49, and 58 are independent claims.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40-42, 44-48, and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al (US-2005/0114511 05/26/05).

**-In regard to substantially similar independent claims 40 and 58,** Davis teaches a method for capturing link-tracking information from a network user, comprising:

requesting a Web page content from a content provider server via a data network  
(Paragraph 46: “the client issues a...request for a web page located on a server”)(Fig. 3);

receiving a tracking enabled Web page via the data network (Paragraph 46: “Server A beings to send the HTML formatted document”), wherein the tracking enabled Web page contains a link tracking code that initializes an initial function which creates an array of links contained in the received tracking enabled Web page (Paragraph 13: “use of tracking program embedded in the resource and executable by a client”; Paragraph 18: “tracking program

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downloaded from server....monitor various indicia....such as selections or links to other resources or files”; Paragraph 21: “tracked resource....such as a Web page”; Paragraph 36: “a typical web page is an HTML document with...”links” that a user may activate”; Paragraph 40: “such as time....within a particular Web page”), at least a first and a second of the links in the array of links associated with a same uniform resource locator (URL) in the received tracking enabled Web page (Paragraph 36: “a typical web page is an HTML document with...”links” that a user may activate”; Paragraph 46: “referenced by individual URLs embedded in the HTML document”: i.e. Davis shows wherein the user requested web page could include a plurality of other URL links each of said links are associated with the URL of the requested web page by being “embedded” within the requested webpage) ;

receiving a selection of a first link in the array of links (Paragraph 10: “how many times a banner was “clicked” on”; Paragraph 18: “monitor various indicia....such as selections of links to other resources or files; Paragraph 40: “such as time....within a particular Web page”);

sending a link tracking request and the array of links (Paragraph 18: “tracking program downloaded from server....monitor various indicia....such as selections or links to other resources or files”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis; Paragraph 21: “monitor use of and interaction with any of the resources downloaded form a server”; Paragraph 40: “monitor...choices (such as links) made”)(Fig. 5: S506) to a link tracking server via the data network, wherein the link tracking request corresponds to the selected first link (Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers” Paragraph 16: “creating a database.....individual

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user interaction with and use of network resources”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis)(Fig. 3: 307 & 308); and

sending a Web page content request to a content provider server, wherein the Web page content request corresponds to the selected first link (Paragraph 10: “banner was “clicked” on to visit the Web site of the advertiser”; Paragraph 19: “sent before or as the client exits the file”; Paragraph 40: “choices (such as links) made by individual users within a particular page: i.e. the user selects a hyperlink on the displayed web page requesting a new web page and leaves the tracked web page).

**-In regard to dependent claim 41**, Davis teaches wherein receiving a selection of a link comprises monitoring user input for an action related to a link in said array of links (Paragraph 10: “how many times a banner was “clicked” on”; Paragraph 18: “monitor various indicia....such as selections of links to other resources or files; Paragraph 40: “such as time....within a particular Web page”) and identifying a user action related to a link in said array of links (Paragraph 10: “how many times a banner was “clicked” on”; Paragraph 18: “monitor various indicia, such as elapsed time, mouse events, keyboard events....such as selections of links to other resources or files; Paragraph 40: “such as time....within a particular Web page”).

**-In regard to dependent claim 42**, Davis teaches wherein the tracking enabled Web page further comprises a recording function configured to record user actions related to said array of links, wherein sending a link tracking request comprises executing said recording

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function (Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers”; Paragraph 16: “creating a database.....individual user interaction with and use of network resources”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis”)(Fig. 3: 307 & 308).

**-In regard to dependent claim 44**, Davis teaches wherein sending the link tracking request to the link tracking server comprises sending one or more cookies to the link tracking server (Paragraph 16: “client Ids (known as “cookies”) that have accessed particular resources”; Paragraph 46: “so-called “Cookie” of the client is also sent to the server”).

**-In regard to dependent claim 45**, Davis teaches wherein further comprising providing from the link tracking server link tracking statistics to a link tracking subscriber (Paragraph 4: “subscriber-indexed billing database”; Paragraph 10: “advertisers”; Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers”: i.e. the “network administrators” Paragraph 16: “creating a database.....individual user interaction with and use of network resources”; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis”)

**-In regard to dependent claim 46**, Davis teaches wherein further comprising providing from the link tracking server link tracking reports to a link tracking subscriber (Paragraph 4:

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“subscriber-indexed billing database”; Paragraph 10: “advertisers”; Paragraph 13: “tracking information from the client to another computer connected to the network for storage and analysis”; Paragraph 14: “create a database....on their network servers”: i.e. the “network administrators” Paragraph 16: “creating a database.....individual user interaction with and use of network resources”: i.e. user profiles containing details of an individual user; Paragraph 19: “automatically sends the information acquired from the client back to the server for storage and analysis”).

**-In regard to dependent claim 47**, Davis teaches wherein the link tracking code is received via a hyper text transfer protocol communication (Paragraph 11: “via the HTTP request header”; Paragraph: “HTTP service”; Paragraph 36: “HTTP is a known application protocol that provides users access to resources”).

**-In regard to dependent claim 48**, Davis teaches wherein the initial function creates the array of links by searching the Web page content for anchor tags identified with start and end tags (Paragraph 18: “tracking program downloaded from server....monitor various indicia....such as selections or links to other resources or files”; Paragraph 21: “tracked resource....such as a Web page”; Paragraph 22: “embedded URLs”; Paragraph 36: “a typical web page is an HTML document with...”links” that a user may activate”; Paragraph 40: “such as time....within a particular Web page”: i.e. the initial tracking program function tracks the array of links listed in the web page that link to resources by recognizing the links in the parsed and displayed HTML web page resource).

***Allowable Subject Matter***

6. Claims 49-57 are allowed.
7. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 05/01/08 have been fully considered but they are not persuasive.

-In regard to independent claims 40 and 58, Applicant argues that Davis et al do not teach or suggest initializing an initial function which creates an array of links contained in the received tracking enabled web page or sending a link tracking request and the array of links to a link tracking server. The Examiner respectfully disagrees with the Applicant. Davis et al clearly teaches wherein an embedded URL referencing a tracking program was utilized to download and initialize a tracking program at the client device. Once the tracking program had been initialized, the array of links present in the downloaded web page were monitored (i.e. referenced) by the tracking program to include various types of user interactions with said array of links. As discussed above in the rejection, Davis teaches wherein the downloaded web page could include a plurality of links, each with their own uniform resource locator. At least two of the links in the array were associated with the same URL by virtue of the fact that said links were embedded in



the tracking enabled web page defined by a specific URL. The Examiner additionally notes that the Davis et al reference clearly teaches sending the array of links to a link tracking server. Specifically, Davis teaches automatically sending all information acquired by the client back to the link tracking server for storage and analysis. Davis et al has already shown that such information could include a plurality of selected links on the original user requested web page.

-In regard to dependent claim 43, the Examiner agrees with the Applicant's arguments in regard to the additionally cited and applied Bates references. As such the rejection to claim 43 has been withdrawn.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please note the additionally cited prior art references on the accompanying PTO-892 form.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adam L Basehoar/  
Primary Examiner, Art Unit 2178